

21 C.J.S. Courts § 136

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Courts

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IV. Terms and Sessions

B. Terms

1. In General

§ 136. Time for holding terms

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A term that is held at any time other than that fixed by law is illegal, and the proceedings conducted are void.

A term must be held only at the time fixed by law;¹ otherwise, the proceedings conducted on it are void.² However, if the issue is deemed one of fundamental error, the writ of habeas can be used to provide relief after the expiration of term of court in limited circumstances.³

If day fixed is holiday.

If the day fixed for opening the term is a legal holiday, the court may be opened on the succeeding day.⁴

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Footnotes

- 1 Ky.—*Thompson v. Commonwealth*, 266 Ky. 529, 99 S.W.2d 705 (1936).
- 2 Ky.—*Thompson v. Commonwealth*, 266 Ky. 529, 99 S.W.2d 705 (1936).
- 3 Fla.—*De La Hoz v. Crews*, 123 So. 3d 101 (Fla. 3d DCA 2013).
- 4 U.S.—*Gordon v. Randle*, 189 U.S. 417, 23 S. Ct. 635, 47 L. Ed. 875 (1903).

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